

DAILY NEVADA STATE JOURNAL.

VOL. 30.

RENO, WASHOE COUNTY, NEVADA WEDNESDAY MORNING, DECEMBER 5, 1888.

NO. 55.

POWD. R. ETC.
THE CALIFORNIA
POWDER WORKS,
230 California Street,
SAN FRANCISCO,
Manufacture and have constantly on hand
SPORTING,
MINING,
and BLASTING
POWDER

superior quality, fresh from the mills. It
is constantly received and transported
into the interior, is delivered to the consumer
within a few days of the time of its manufac-
ture, and is in every way

Superior to Any Other Powder
market. We have been awarded
successively

Three Gold Medals!

At the MECHANICS' INSTITUTE and the
State Agricultural Society for the superiority
of our products over all others. We call atten-
tion to our

Hercules Powder,

Which combines all the force of other powder
explosives now in use, and the lifting force of
the very

BEST BLASTING POWDER

Thus making it vastly superior to any othe
compound now in use

Circular containing a full description of the
powder can be obtained on application at the
offices of our agents.

JOHN F. LOH E. Sec'y.

EVERYBODY!

Visiting San Francisco
CAN RETURN HOME WITH A PRESENT
that will not fail to please friend and that
is a

FOR P.R.T.A.I.T.
TAKEN INSTANTANEOUSLY BY

Sitter

The World-wide Known Photographic Artist
Montgomery Street,
SAN FRANCISCO, CAL

H. WERNER,
CARRIAGE AND SIGN
PAINTER.

All Styles of Carriages & Wagons
On Hand.

OR SALE AT LOWEST RATES.
Over Hymer's Livery Stable.

THE PALACE
—IS—
RENO'S LEADING HOTEL

—IT HAS—
Light Sunny Rooms,
Restaurant Attached,
Fine Billiard Parlor.

EVERY ATTENTION PAID TO GUESTS
Politely and accomodating attendants
in every department. The house is first-class
throughout, is open day and night, and every
attention is shown to travelers. AL. WHITE.

WM. PINNIGER,
Apothecary and Druggist,
—DEALER IN—
Drugs, Medicines,
Fine Perfumeries,
Toilet Articles

Prescriptions carefully compounded at all
hours of the day or night

VIRGINIA ST., - - - RENO, NEV.

HOLIDAY GOODS!
—AT—
HODGKINSON'S

DRUG STORE.

CALL AND SEE THEM!

Virginia St., Reno, Nevada.

A. O. U. W.

EVERY LODGE, NO. 5, A. O. U. W. meets
every Tuesday night in Masonic Hall.

Visiting brothers cordially invited to attend.

G. O. MCNEIL, M. W.

H. SAMPLE, Recorder

FIFTY-CENT COLUMN

All classes of legitimate advertisements
not exceeding six lines, inserted in this column
at 50 Cents per week.

Notice.

The Northwestern Masonic Aid Association
of Chicago will receive applications of persons
from 21 to 45 years of age not Masons, but must
be men of good standing and habits, up to the
31st day of December, 1888. For further par-
ticulars apply to B. E. Hunter in person or by
letter, at Reno, Nevada. Oct 10th

Shingles for Sale.

First-class yellow pine shingles for sale at
J. P. Fouka mill, west of Verdi, at \$1.75 per
1,000. Second class \$1.50 per 1,000.

Pianos! Pianos! Pianos!!

Call at the Palace of Fashions, in the Sheldon
brick building, Plaza street, and see the finest
stock of instruments ever brought to Reno.
Parties desiring instruments not in stock can
be supplied with any they may want at short
notice.

Night Watchman.

George W. Mershon, the regular and fully
empowered Night Watchman of Reno, is pre-
pared to watch business houses and privat
residences, etc., and wake parties in the morn-
ing. Best of patronage may be seen from the
Journal of Dec. 8th, 1882.

dec 8th

NATHAN'S

FAIR, FALL AND WINTER STOCK
Is New and Complete

Just Received

A FINE STOCK OF LATEST STYLES IN

FURNISHING GOODS,

Boots and Shoes,

Hats and Caps,

Trunks, Valises, Etc.

AT THE OLD

Pioneer Store,

WEST SIDE VIRGINIA ST., RENO,

Call around and examine and price the
goods M. NATHAN.

John F. LOH E. Sec'y.

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Visiting San Francisco

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Sitter

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EVERYTHING

RENO AGENCY

FOR JOHN WIELAND BREWING CO.,

Of San Francisco.

BOTTLING WORKS AND "WIFLAND'S SA
LON." This is the largest bottling works
east of San Francisco. Connected with the
above works is an excellently fitted up saloon,
wherin a

FINE HOT LUNCH

Is served every day from 11 A. M. to 2 P. M.

THE CELEBRATED

JOHN WIELAND LAGER BEER

Always on Draught.

Agent for the celebrated

Arcadian Ginger Ale and Mineral Water

Saloon and works corner of Sierra and
Third streets, in McFarlin's old corner.

J. B. FRANCIS, Proprietor

W. J. LUKE, THE BLACKSMITH

Corner of Fourth and Sierra streets, bus a
lot of Dead-axle

WAGONS

BUGGIES,

ETC.

NEW AND SECOND HAND

FOR SALE OR TRADE CHEAP.

RENO MARKET,

AUSTIN HART

(Successor to HENRY RUHE)

WHOLESALE AND RETAIL DEALER IN

Beef, Pork, Mutton, Veal,

Lamb, Ham, Lard and Sauages all Kinds

Shop second door from Masonic Building

Reno Nevada

I. O. O. F.

TRUCKEE LODGE, NO. 14, Independent Order of Odd Fellows, meet in their hall, west side Sierra Street, near the Golden Eagle Hotel, Reno, Nevada, every Wednesday evening, at 7:30 o'clock. Punctual attendance of members is requested. Visiting members in good standing are cordially invited to attend.

J. B. BRYANT, No. 3.

JOHN BOWMAN, Secretary

Reno Chapter No. 7, H. A. M.

THE Stated Convocations of Reno Chapter
No. 7, H. A. M. are held in Masonic Hall
on the evening of the first Thursday in each
month, commencing at 7:30 o'clock sharp. So-
journing Companions in good standing are cer-
tainly invited to attend. By order of the E.
H. F.

John L. CHOCROFT, Secretary.

I. O. O. F.

RENO LODGE, NO. 19, I. O. O. F., MEETS
at their hall on Chestnut street, over the
Congregational Church, THURSDAY EVEN-
ING, at 8 o'clock. Visiting members in good
standing are cordially invited to attend.

R. C. LEEPER, No. 9

J. E. PHILLIPS, Rec. Sec'y.

This nursery is the largest and best in the
world.

RENO, WASHOE COUNTY, NEVADA

Every Tuesday night in Masonic Hall

Visiting brothers cordially invited to attend.

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DAILY NEVADA STATE JOURNAL

PRICE OF DAILY JOURNAL.

ONE CENT PER WEEK.

WEDNESDAY.....DECEMBER 5, 1888.

TOWN AND COUNTY.

BREVITIES.

F. E. Horn is from up north.
The Nevada Tea Co. start off well.
Senator Foley has gone to Eureka.
C. C. Wallace went west last night.
Only two prisoners in the county jail.
Go to Lange & Schmitt for window-glass.

Go to Lange & Schmitt for parlor stoves.

D. A. Bender was over from Carson yesterday.

Black Bert is said to have been in Reno lately.

Mrs. R. L. Faiton has returned from San Francisco.

M. M. Frederick came in from Tuscarora last night.

John F. Alexander came down from Carson last night.

A. Abrahams has gone to Spokane Falls on a business trip.

S. J. Beebe, of Eureka, was a passenger for the Bay last night.

The Palace Bakery leads in nice, home manufactured candy.

Fancy uniforms were ordered yesterday for the University boy.

The Palace Bakery leads in toys. Everything new and novel.

Picture mouldings and curtain poles at Osburn & Shoemaker's.

Thos. Holly, of Flowerly, was a passenger for the Bay last night.

G. H. St., the surveyor, came down from the Comstock last night.

Senator Foley is not an aspirant for President pro tem of the Senate.

Chamberlain & Thyes have dissolved partnership, the former retiring.

Mrs. Gen. Irish returned from her California trip yesterday morning.

Amos Alt yesterday sold his present residence for \$1500 to Mr. Sample.

Mrs. Judge Marshall returned from her California trip yesterday morning.

H. J. Thyes has resigned as Chief Engineer of the Reno Fire Department.

Acting Governor Davis has appointed G. A. Jones Notary Public, to reside at Reno.

Nuts, oranges, dates, figs, and everything the market affords at the Palace Bakery.

Wall paper, from cheapest blanks to rich gold, at Osburn & Shoemaker's.

Sewing machines 30 per cent. cheaper than elsewhere at Osburn & Shoemaker's.

Miss Nellie Sutherland arrived from Mill City last night on a visit to Mrs. N. W. Ross.

Miss Ella Lambirth, of Bilber, has come to Reno, to live with her sister Mrs. Amos Alt.

S. C. Wright and Frank McCullough were in town night before last, returning to Carson yesterday morning.

Mrs. John F. Alexander returned from her visit to Washington Territory on Sunday last in excellent health.

S. O. Wells is gradually improving. He has had a long siege of it, but will soon be at the store as cheerful as ever.

For groceries and provisions go to W. H. Martin's store, where the stock to select from is large and the goods No. 1.

The theatre ought to be crowded tonight. The Hatton and Hart troupe is one of the very best that has ever visited Reno.

F. E. Gould, of Reno, is an applicant for Assistant Secretary of the State Senate. He is a very worthy and competitive young man for the position.

The U. S. Paymaster went up to Bidwell last week and paid out a big roll of greenbacks to "boys in blue" and for a few days times were quite lively at that town.

Col. Hardin was on No. 2 last night. He has almost entirely recovered from that late railroad smash-up, which crippled him, and nearly shook every tooth out of his head.

Frank M. Lee is again at his desk in the First National Bank, having fully recovered from his late illness. His friends, and the patrons of the bank, are glad to see him around.

The annual meeting of Adah Chapter, No. 4, O. E. S., will be held in Masonic Hall, on Wednesday evening, Dec. 5, 1888, at 7:30 p. m. All members are requested to be present by the Worthy Matron.

If the Democratic members of the G. A. R. insist on seceding no attempt will be made to coerce them into remaining. The erring brethren will be suffered to depart in peace.

PUBLIC ALLEYS.

Interesting Decision by Judge Bigelow.

The following interesting decision was rendered by Judge Bigelow last week, in the case of R. H. Lindsey vs. J. E. Jones:

LINDSEY
vs.
JONES.

In this case, the plaintiff claims that there exists, and that he has the right to the unobstructed use of, a fifteen-foot alley way, situated between his premises and the defendant's in the town of Reno, which defendant has fenced up. The question depends upon the construction of a deed made by the defendant, who was then the owner of the premises, in which he conveyed to the plaintiff's predecessor, the lots now owned by him. The deed describes the land as "fronting eighty-five feet on the south line of State street" * * * bounded on the east by Centre street and on the west by a fifteen-foot alley."

These facts are shown by the answer to which the plaintiff demurs upon the ground that it states no defense.

As I read the authorities, it must be held that the defendant's deed conveys to his grantee, the right to the use of the fifteen-foot alley alongside of the 95 feet, and it is unnecessary to determine whether it conveys the fee to the centre of the alley, or only to the right to have an alley of that size there.

The result is the same: in either case the plaintiff has the right to have the alley open and unobstructed.

In O'Linda vs. Lathrop, 21 Pick 296, the Court says, "Where land conveyed is described as being bounded upon a street, it is not merely a description, but an implied covenant that there is such a street," citing Parker vs. Smith, 17 Mass. 416. In Tufts vs. Charlestown, 2 Gray 232, the rule is stated to be "when a grantor conveys land bounded upon a way or street, he and his heirs are estopped thereby to deny that there is such a street or way."

Lewis vs. Street, 2 Wend. 472, is to the same effect. See also Wash. on Easements, 240-1.

To Lewis vs. Beattie, 105 Mass. the Court says, "The deed described the land conveyed as running to and bounding upon a way forty feet wide, * * standing by itself this deed would carry a little to the middle of the strip described as a way, with an easement of way over the other half and subject to a like easement reserved to the grantor over the half conveyed."

And where it appears from the construction of the deed, from the language used, that an unrestricted right of way is granted as appurtenant to certain premises, such right cannot be diminished by plural evidence tending to show that something else was intended.

Fisher vs. Smith, 9 Gray 441.

Miller vs. Washburn, 117 Mass. 371. Then when the defendant conveyed this land, describing it as being bounded upon the west by a fifteen-foot alley, upon land which he owned, he impliedly commented that there was an alley there of that width, and he is estopped now to deny it. This, too, must be in accordance with what defendant really intended when he used this language in the deed; otherwise the statement that there was an alley there of fifteen feet in width was wholly uncalled for and unnecessary. If the alley existed, then the plaintiff has the right to have it remains; if it did not exist, he must have intended to give the purchaser to understand that there should be one of that size. Such an alley added, doubtless, to the value of the property, and was probably one of the inducements for the grantee to purchase.

The fact that the land conveyed is described as being 85 feet in width does not change the rule.

Newhall vs. Irison, 8 Cush. 598.

Phillips vs. Bowers, 7 Gray 24.

We may admit that it conveys only 85 feet, and yet the conclusion would be the same. The real question is not how much land was conveyed, but whether the terms of the deed gave the plaintiff, in addition to the land conveyed, a right to the unobstructed use of the fifteen-foot alley.

The deed from Luke or whoever first laid out the town, gave the defendant the right to the use of State Street and Centre street, and I have already concluded that the deed here, gives the plaintiff the same right in the alley.

The defendant's counsel also contends that the reference to the alley was simply as a monument to indicate how far the land extended to the west. Perhaps so; but it is the middle and not the side of the alley that constitutes the monument. Phillips vs. Bowers supra. And admitting that it only conveys 85 feet, it still does not negative the proposition that in addition to the land conveyed, the deed contains an implied covenant that there is, and so far as defendant is concerned shall be, such an alley.

I have examined all the authorities cited by counsel to which I have access, but I do not find any of them, as I understand them, in point, except that of Phillips vs. Bowers, 7 Gray 21, before referred to, and which I believe squarely supports the rule herein stated.

Smith vs. Slocum, 9 Gray 36, simply holds that under the circumstances introduced there, the deed only conveys the land to the side of the road; but there was no question in the case, concerning the right of the grantee to have a road there and have it kept open.

Sibley vs. Holden, 10 Pick, was the same kind of a case.

Hoboken Land Co. vs. Kerrigan, 31 N. Y. is a miscellany.

In Halsey vs. McCormack, 13 N. Y. 296, the question was whether land conveyed as running to the bank of a creek, would run to the center of the creek, and it was held it would not.

And if the plaintiff's deed described his land as running only to the side of the alley, it would doubtless be held that it did not run any further, but neither decision would affect the right of the grantee in the former case to have the creek there, unobstructed, nor in the latter, the alley.

Howard vs. Ingersoll, 13 How., is a similar case.

Tyler vs. Hammond, 11 Pick, while not in point, has been overruled. See Paine vs. Woods, 108 Mass. 171.

The other cases cited are not within reach.

I conclude that both reason and authority require that the defendant's deed shall be construed as conveying the right to the unobstructed use of the alley as well as the eighty-five feet of land therein mentioned.

The demurrer to the answer is therefore sustained, the defendant to have ten days in which to amend the same if he shall so elect. R. R. BIGLOW.

Judge.

NEW TIME CARD.

Arranging the Golden Gate vestibule.

A new time card will go into effect today on the Southern Pacific, but the changes are slight in the regular overland trains. No. 1 will arrive at Reno at 7:10 and leave at 7:35 a. m. No. 3 will arrive at 11:30 and leave at 11:40 p. m. No. 2 will arrive at 6:15 and leave at 6:40 p. m. No. 4 will arrive at 10:20 and leave at 10:30 p. m. The Golden Gate vestibule No. 101, will arrive at Reno 3:20 a. m. Sunday mornings, and No. 102, going west, will arrive at Reno at 9:50 a. m. on Fridays. The vestibule train will be a new and novel sight here. There are five coaches or cars in all. That nearest the engine is a baggage car, but it also contains six berths for the train crew, a bath-room for gentlemen, a barber shop, and the engine and dynamo necessary to the electric lighting. The dining-car comes next and is said to be the finest on wheels, with a seating capacity of forty persons. Two twelve-section sleepers will come next, each containing all the latest improvements, with smoking-rooms, library etc.

The breath ing apparatus must be kept clear of all obstructions and offensive matter. Otherwise there is trouble ahead.

All the diseases of these parts, head, nose, throat, bronchial tubes and lungs, can be delightfully and entirely cured by the use of Boeche's German Syrup. If you don't know this already, thousands and thousands of people can tell you. They have been cured by it, and "know how it is, themselves." Bottle only 75 cents. Ask any druggist.

A HORSE THAT HAS EIGHT FEET.

From the Madison (Wis.) Journal.

Jas. Meuloud, of Lodi, owns a horse which has eight feet. It is perfectly formed in all respects, except that he has eight feet. Not until the pastern or fetlock joint is reached in the descent from the shoulder to the foot is there any apparent difference between this horse and any other. But at the pastern joint, or the lower end of the shin bone, the branch begins, and two perfectly formed feet are found, one on each of the four legs. The horse runs on the range the same as any, and is as fast as most of them, and all eight feet are sound, or may be if desired. Meuloud has refused \$2,500 for a half interest in the curiosity, but he wants \$5,000 outright for the whole animal.

Gardening for Ladies.

Make up your bed early in the morning; sew buttons on your husband's shirt; do not rake up grievances; protect the young and tender branches of your family; plant smiles of good temper, and reap a crop of health and happiness; root out the causes of nervous debility and "female weakness," by the use of Dr. Pierce's Favorite Prescription. It is a sovereign specific, and thousands of the fair sex bless the day they first heard of it. It is the only medicine for women, sold by druggists, under a positive guarantee, from the manufacturers, that it will give satisfaction in every case, or the money will be refunded. This guarantee has been printed on the bottle-wraper, and faithfully carried out for many years.

To cleanse the stomach, liver, and system generally, use Dr. Pierce's Pellets.

HAPPINESS AND HEALTH.

Are important problems, the former depending greatly on the latter. Everyone is familiar with the healthy properties of fruit, and no one can afford to be sick and miserable while the pleasant California concentrated liquid fruit remedy, Syrup of Figs, may be had of our enterprising druggists. Sold by Wm. Pinniger, Reno.

DON'T

Let that cold of yours run on. You think it is a light thing. But it may run into catarrh. Or into pneumonia. Or consumption.

Catarrh is disgusting. Pneumonia is dangerous. Consumption is death itself.

The breathing apparatus must be kept clear of all obstructions and offensive matter. Otherwise there is trouble ahead.

All the diseases of these parts, head, nose, throat, bronchial tubes and lungs, can be delightfully and entirely cured by the use of Boeche's German Syrup. If you don't know this already, thousands and thousands of people can tell you. They have been cured by it, and "know how it is, themselves." Bottle only 75 cents. Ask any druggist.

ADVICE TO MOTHERS.

Are you disturbed at night and broken of your rest by a sick child suffering and crying with pain or cutting teeth? If so, send at once and get a bottle of Mrs. Winslow's Soothing Syrup for Children Teething. Its value is incalculable. It will relieve the poor little sufferer immediately. Depend upon it, mothers, there is no mistake about it. It cures teething and diarrhoea, relaxes the stomach and bowels, cures wind colic, softens the gums, reduces inflammation, and gives tons an energy to the whole system. Mrs. Winslow's Soothing Syrup for Children Teething is pleasant to the taste, and is the prescription of one of the oldest and best female nurses and physicians in the United States, and is for sale by all druggists throughout the world. Price 25 cents a bottle. tab. 21-aw f-1-1

When baby was sick,

We gave her Castoria.

When she was a Child,

She cried for Castoria.

When she became Miss,

She clung to Castoria.

When she had Children,

She gave them Castoria.

PALACE DRY GOODS STORE.

GRAND SOUVENIR SALE!

AT THE

PALACE

Dry Goods and Carpet House

INCLUDED WITH EVERY SEALETTE GARMENT
an elegant pressed Morocco or Plush Photograph Album.

Included with every FINE Dress Pattern or Robe a beautiful three-folding French plate mirror.

Included with every Child's of Miss' Cloak a handsome painted large scrap book, painting or autograph album.

All of these souvenirs are on exhibition in one of our windows.

Startling Reduction in Cloaks & Wraps

Ladies' Sealette Jackets, lined with fine quality quilted satin, at \$17.50, \$25, \$30 and \$35.

Ladies' Sealette Wraps, of finest quality Sealette, fine quilted satin lining and beautiful designs, at \$20, \$25, \$30, \$35, \$40 and \$50.

Ladies' Sealette Newmarkets, extra long, lined with fine quality quilted satin, at \$40, \$50, \$60 and \$75.

